

Remarks

In the above-identified Office Action, the Examiner notes that a copy of German Patent 748146 with drawing was not yet entered in the application. The applicant hereby encloses a copy of the German patent with drawings as well as a translation thereof.

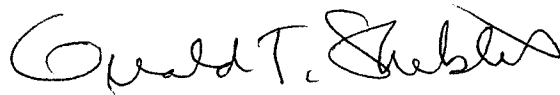
The Examiner has rejected claims 1-4 under 35 U.S.C. §112 as indefinite. The Examiner has made certain comments concerning the language of the claims. The above amendments applicant believes that the claim should be now acceptable under 35 U.S.C. §112.

Claims 1-4 have been rejected as being anticipated by or in the alternative obvious over DE 748146. The Examiner has stated that, from the German reference and the international preliminary report, that there is curved rail with a flap rolling on it in the German reference which should either anticipate or make the claim structure obvious. Applicant has amended claim 1 so that it now recites that the wing flap rides on and is supported by the rail guides so that "the extension and camber of the wing airfoil increases continuously ...". In the German reference it is apparent from the drawings that the wing flap is not supported by a rail nor does it ride on the rail. While the German reference does have controls consisting of rails, it does not appear that the wing part travels along the rail, rather is supported by "a perpendicular axle 6 and connected by a control arm 7 in each embodiment the axle 6 and control arm 7 appears to be the sole support in deployment of the wing part. Thus the wing flap of the German reference does not appear to be supported by or ride on the rail guides but rather on axle 6 and control 7; therefore the wing flap of the subject invention operates in a different manner when compared with that of the German reference. As such Applicant believes that claim one as amended, recites an invention which is patentable over the German reference.

With the above amendments and remarks, this application is considered to be ready for allowance and Applicant earnestly solicits early notice of same.

Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to call the undersigned at the below listed number.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald T. Shekleton". The signature is fluid and cursive, with the first name "Gerald" being more prominent than the last name "Shekleton".

Dated: July 31, 2008

Gerald T Shekleton

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